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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,341	12/12/2000	Gary Ross Ricard	ROC9-2000-0122-US1	5228
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MARTIN & ASSOCIATES, LLC IBM INTELLECTUAL PROPERTY LAW DEPARTMENT DEPARTMENT 917, BUILDING 006-1 3605 HIGHWAY 52 NORTH ROCHESTER, MN 55901-7829			EXAMINER LE, NHAN T	
			ART UNIT 2685	PAPER NUMBER

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/735,341

Applicant(s)

RICARD ET AL.

Examiner

Nhan T Le

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 and 18 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8, 10, 12-15 and 17 is/are rejected.
- 7) ☐ Claim(s) 6 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 8, 10, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinzelmann (US 5,490,166) in view of Prygoff (US 4,130,801).

As to claims 1, 10, Heinzelmann teaches a radio receiver comprising:
a tuner that provides an audio output for a receiver for radio user (see col. 2, lines 28-45); a voice-only detection mechanism that monitors the audio output of the tuner; and that provides a first output indication when the audio output of the tuner is mostly voice, and that provides a second output indication when the audio output of the tuner is not mostly voice (see fig. 3, number 318, col. 3, lines 5-14); and a radio processor coupled to the voice-only detection mechanism, the radio processor changing an operational mode of the radio receiver according to the first and second output indications of the voice-only detection mechanism (see col. 4, lines 23-25). However, Heinzelmann fails to teach a second output indication when the audio output of the tuner is mostly music. Prygoff teaches audio message broadcast system wherein a second output indication

when the audio output of the tuner is mostly music (see col. 5, lines 45-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Prygoff into the system of Heinzelmann in order to provide users to listen different programs based on their preferences.

As to claim 2, the combination of Heinzelmann and Prygoff teaches the radio receiver of claim 1 further comprising an amplifier coupled to the audio output of the tuner that provides an amplified audio signal to at least one speaker, wherein the radio processor changes the operational mode of the radio receiver by muting the amplified audio signal according to the first and second output indications of the voice-only detection mechanism (see Heinzelmann fig 3, number 324, col. 3, lines 15-17, col. 5, lines 60-64).

As to claims 8, 17, Heinzelmann teaches the radio receiver comprising: a tuner that provides an audio output for a receiver for radio user (see col. 2, lines 28-45) an amplifier coupled to the audio output of the tuner that provides an amplified audio signal to at least one speaker (see fig 3, number 324, col. 3, lines 15-17, col. 5, lines 60-64); a voice-only detection mechanism that monitors the audio output of the tuner, and that provides a first output indication when the audio output of the tuner is mostly voice, and that provides a second output indication when the audio output of the tuner is not mostly voice (see fig. 3, number 318, col. 3, lines 5-14); and a radio processor coupled to the voice-only detection mechanism, the radio processor muting the amplified audio signal when the first output indication is received, and unmuting the amplified audio signal when the second output indication is received (see col. 4, lines 23-25). However,

Heinzelmann fails to teach a second output indication when the audio output of the tuner is mostly music. Prygoff teaches audio message broadcast system wherein a second output indication when the audio output of the tuner is mostly music (see col. 5, lines 45-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Prygoff into the system of Heinzelmann in order to provide users to listen different programs based on their preferences.

2. Claims 3, 4, 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinzelmann (US 5,490,166) in view of Prygoff (US 4,130,801) further in view of Kanamori et al (US 6,662,022).

As to claims 3, 12, the combination of Heinzelmann and Prygoff fails to teach the radio receiver wherein the radio processor mutes the amplified audio signal when the first output indication is received, and unmutes the amplified audio signal when the second output indication is received. Kanamori teaches radio receiver wherein the radio processor mutes the amplified audio signal when the first output indication is received, and unmutes the amplified audio signal when the second output indication is received (see col. 5, lines 65-67, col. 6, lines 1-15, line 34-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kanamori into the system of Heinzelmann and Prygoff in order to provide users to listen different programs based on their preferences.

As to claim 4, 13, 14, the combination of Heinzelmann, Pryoff and Kanmori

teach the radio receiver wherein the radio processor mutes the amplified audio signal when the second output indication is received, and unmutes the amplified audio signal when the first output indication is received (see Kanamori col. 5, lines 65-67, col. 6, lines 1-15, line 34-47).

3. Claims 5, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinzelmann (US 5,490,166) in view of Prygoff (US 4,130,801) further in view of Vandegraaf (US 4,498,194).

As to claims 5, 15, the combination of Heinzelmann and Prygoff fails to teach the radio receiver; wherein the radio processor changes the tuner to a different radio station according to the first and second output indications of the voice-only detection mechanism. Vandegraaf teaches the radio receiver; wherein the radio processor changes the tuner to a different radio station according to the first and second output indications of the voice-only detection mechanism (see col. 3, lines 45-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Vandegraaf into the system of Heinzelman and Prygoff in order to switch the receiver frequency to the priority channel (see col. 1, lines 49-59, as suggested by Vandegraaf).

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heinzelmann (US 5,490,166) in view of Prygoff (US 4,130,801) further in view of Kim (US 6,188,731).

As to claim 7, the combination of Heinzelmann and Prygoff fails to teach the

radio receiver further comprising at least one adjustment mechanism that adjusts at least one threshold wherein the voice-only detection mechanism asserts the first and second output indications. Kim teaches the radio receiver further comprising at least one adjustment mechanism that adjusts at least one threshold (see fig. 2, number 130, col. 4, lines 25-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kim into the system of Heinzelmann and Prygoff in order to synchronizing audio signal (see col. 1, lines 15-16, as suggested by Kim).

Allowable Subject Matter

Claims 6, 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 6, 16, the applied reference fails to teach the radio processor scanning available radio stations using the second tuner to locate a program that matches the preferred frequency spectrum signature within predetermined criteria, and changing to a radio station that matches the preferred frequency spectrum signature when the first output indication is received as specified in the claim.

Claims 9, 18 are allowed:

Regarding to claims 9,18, Heinzelmann (US 5,490,166) teaches data muting method and apparatus using delay circuits for communication systems, Prygoff (US 4,130,801) teaches audio message broadcast system, Kanamori (US 6,662,022) teaches portable phone set, Vandegraaf teaches multi-frequency scanning receiver with

priority frequency monitoring, Johnson et al (US 4,992,549) teaches digital FM squelch detector. The teaching of these prior arts either combine or alone fails to teach a radio processor coupled to the voice-only detection mechanism and coupled to the second tuner, the radio processor scanning available radio stations using the second tuner to locate a program that matches the preferred frequency spectrum signature within predetermined criteria, and changing the first tuner to a radio station that is currently broadcasting a program that matches the preferred frequency spectrum signature when the first output indication is received.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miyake et al (US 5,802,066) teaches multiplex broadcast receiving method and receiver with program type memory.

Johnson et al (US 4,922,549) teaches digital FM squelch detector.

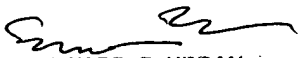
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T Le whose telephone number is 703-305-4538. The examiner can normally be reached on 08:00-05:00 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhan Le


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